

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EDGAR AGUILAR,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, FERNANDO  
ALVAREZ and BRIAN TAYLOR,

Defendants.

1:23-cv-01512-HBK (PC)

ORDER GRANTING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 3)

ORDER DIRECTING PAYMENT  
OF INMATE FILING FEE BY THE NAPA  
COUNTY SHERIFF

Plaintiff, a prisoner, initiated this action on October 23, 2023, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint and submitted a copy of his prison trust fund statement and/or certification from prison officials in support. (Doc. No. 2). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the full \$350.00 statutory filing fees as set forth in 28 U.S.C. § 1915. **Pursuant to § 1915(b)(1)(A), Plaintiff is obligated to make an initial payment of \$33.00<sup>1</sup> (20% of the average 6-month deposits to the prisoner's account).** Thereafter, Plaintiff must make monthly payments of 20% of the preceding month's income credited to his trust account. The Napa County Sheriff

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<sup>1</sup> The statute requires an initial filing fee of 20% of the greater of the six-months average monthly deposits or average monthly balance. 28 U.S.C. § 1915(b)(1)(A), (B). Plaintiff had over \$996.00 in deposits over the relevant six-month period.

1 California Department is required to send the initial \$33.00 payment to the Clerk of the Court and  
2 subsequent payments from Plaintiff's account each time the amount in her account exceeds  
3 \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

4 ACCORDINGLY, it is **ORDERED**:

5 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 3) is GRANTED.

6 2. **The Napa County Sheriff, or his designee shall forward an initial payment of**  
7 **\$33.00 to the Clerk of the Court from Plaintiff's prison trust account in accordance with**  
8 **28 U.S.C. § 1915(b)(1)(B) and shall make future monthly payments in an amount equal**  
9 **to twenty percent (20%) of the preceding month's income credited to the Plaintiff's trust**  
10 **account each time the amount in the account exceeds \$10.00, in accordance with 28**  
11 **U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the**  
12 **Clerk of the Court.** The payments shall be clearly identified by the name and number  
13 assigned to this action.

14 3. The Clerk of the Court is directed to serve a copy of this Order and a copy of Plaintiff's  
15 *in forma pauperis* application on the Napa County Sheriff located at 1125 Third Street, Napa,  
16 CA 94559.

17 4. The Clerk of the Court is directed to serve a copy of this Order on the Financial  
18 Department, U.S. District Court, Eastern District of California.

19  
20 Dated: November 1, 2023

21   
22 HELENA M. BARCH-KUCHTA  
23 UNITED STATES MAGISTRATE JUDGE  
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